

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SCOTT J. MCGREGOR,

Plaintiff,

v.

7:10-CV-01483

MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

THOMAS J. McAVOY
United States District Judge

DECISION and ORDER

This matter brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. Victor E. Bianchini, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York.

No objections to the June 1, 2012 Report-Recommendation have been raised. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein.

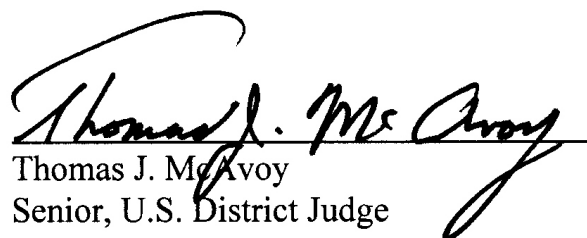
It is, therefore, ORDERED that:

- (1) Plaintiff's Motion for Judgment on the Pleadings is GRANTED;
- (2) Defendant's Motion for Judgment on the Pleadings is DENIED;
- (3) the Commissioner's Decision is REVERSED; and

(4) Plaintiff's case is REMANDED to the Commissioner for proceedings regarding the calculation of benefits.

IT IS SO ORDERED.

Dated: July 12, 2012


Thomas J. McAvoy
Senior, U.S. District Judge